



## SANDY SPRINGS

GEORGIA

### P&Z STAFF REPORT

Board of Appeals Meeting, March 4, 2020

Case: **V20-0008 – 345 Kelson Drive**  
Staff Contact: Madalyn Smith (msmith@sandyspringsga.gov)  
Report Date: February 26, 2020

#### REQUEST

Request for a Variance from Sec. 7.8.22. and Sec. 2.3.2.A. to allow a batting cage (accessory structure) in the front yard and to exceed the allowable encroachment for accessory structures into the side yard setback.

#### APPLICANT

|                                 |                             |                        |
|---------------------------------|-----------------------------|------------------------|
| Property Owner:<br>Mark K Klopp | Petitioner:<br>Mark K Klopp | Representative:<br>N/A |
|---------------------------------|-----------------------------|------------------------|

#### SUMMARY

The applicant requests a Variance from Sec. 7.8.22. and Sec. 2.3.2.A. to allow a batting cage (accessory structure) in the front yard and to exceed the allowable encroachment for accessory structures into the side yard setback. The structure is approximately 2 feet from the side property line, where 10 feet is required, and 27 feet from the front property line, where at least 60 feet is required. It encroaches into the front yard by approximately 380 square feet and encroaches into the side yard setback (beyond allowance) by approximately 90 square feet.

#### RECOMMENDATION

##### Department of Community Development

Staff recommends **Denial** of **Variance V20-0008**.

#### MATERIALS SUBMITTED AND REVIEWED

##### **Materials:**

1. Application, received January 22, 2020

##### **Plans:**

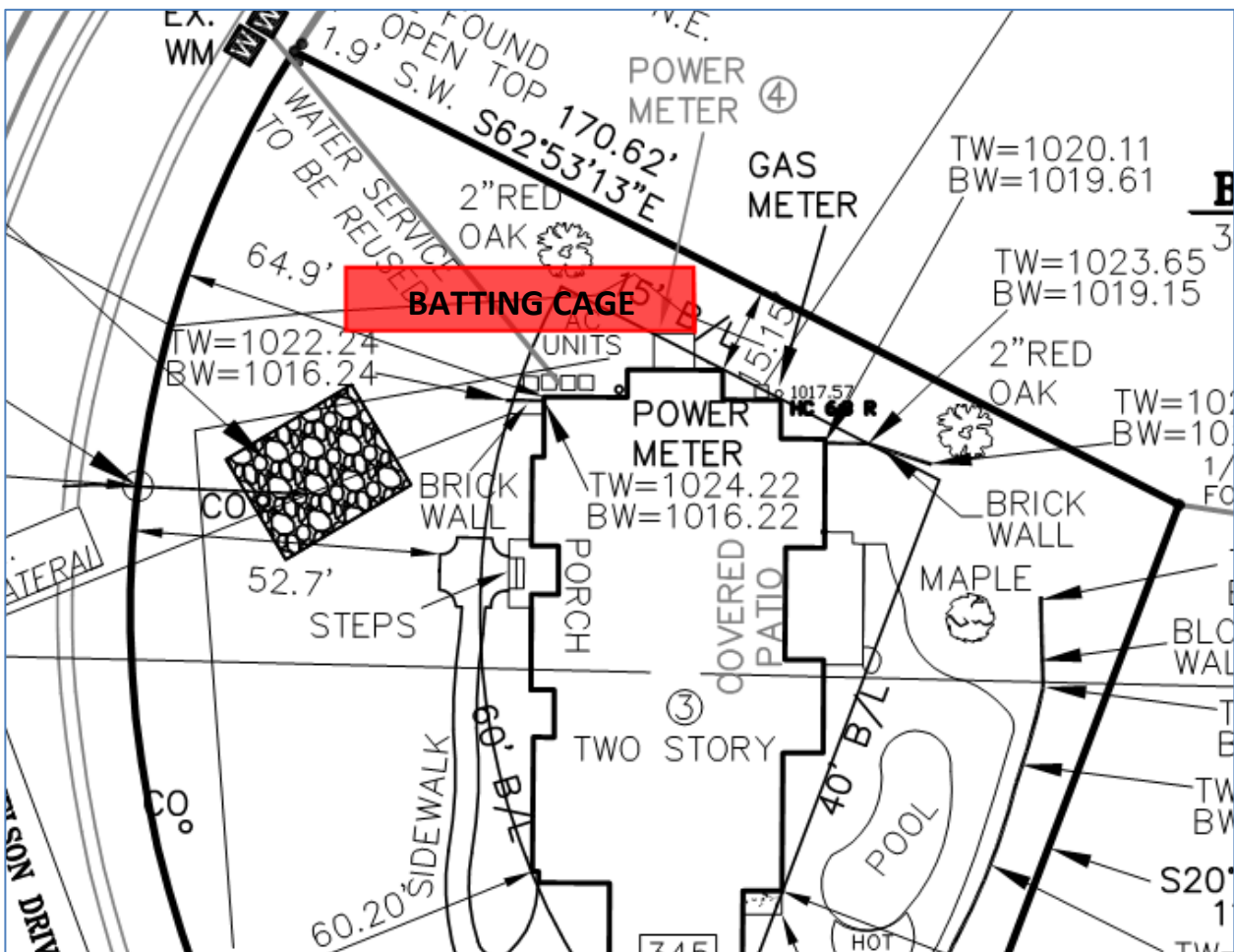
1. "As-Built for 345 Kelson Drive," prepared by ACR Engineering, Inc., dated March 22, 2019 and, received January 22, 2020

| <b>PROPERTY INFORMATION</b> |                                                                   |
|-----------------------------|-------------------------------------------------------------------|
| Location:                   | 345 Kelson Drive (Parcel # 17 020500010030)                       |
| Council District:           | 6 – Bauman                                                        |
| Road frontage:              | Approximately 178 feet of frontage on Kelson Drive                |
| Acreage:                    | Approximately 0.75 acre                                           |
| Current Zoning:             | RD-27 (Residential Detached, 27,000 square foot minimum lot size) |
| Existing Land Use:          | Single unit detached residence                                    |
| Previous Zoning Case:       | 1975Z -0075                                                       |
| Character Area:             | Protected Neighborhood                                            |

## EXISTING CONDITIONS

The requested Variance is for a recently constructed batting cage structure that encroaches into the front and side yards. The batting cage violates the setback regulations for accessory structures (Sec. 7.8.22.a.). The violation was discovered by a Code Enforcement Officer during a routine patrol. The structure also violates the maximum allowable encroachment for accessory structures into the interior side (common lot line) building setback (Sec. 7.8.22.b.) by approximately eight (8) feet. It should also be noted that the curb cut and driveway used to access the structure are not shown on the site plan or as-built survey and has not been permitted. Per the City Engineer, sufficient site distance, along with other assurances (through proper permitting) that the previously unpermitted work meets the Development Code, would be needed for the curb cut.

The batting cage structure is 12 feet wide, 60 feet deep, and 12 feet high. It is located north of the house, approximately two (2) feet from the side property line, and 27 feet from the front property line. See the approximate location of the batting cage in the plan below.



The following images show the existing batting cage at 345 Kelson Drive:



**Side view of batting cage**



**Front view of batting cage**

*(All photographs by Madalyn Smith, February 12, 2020)*

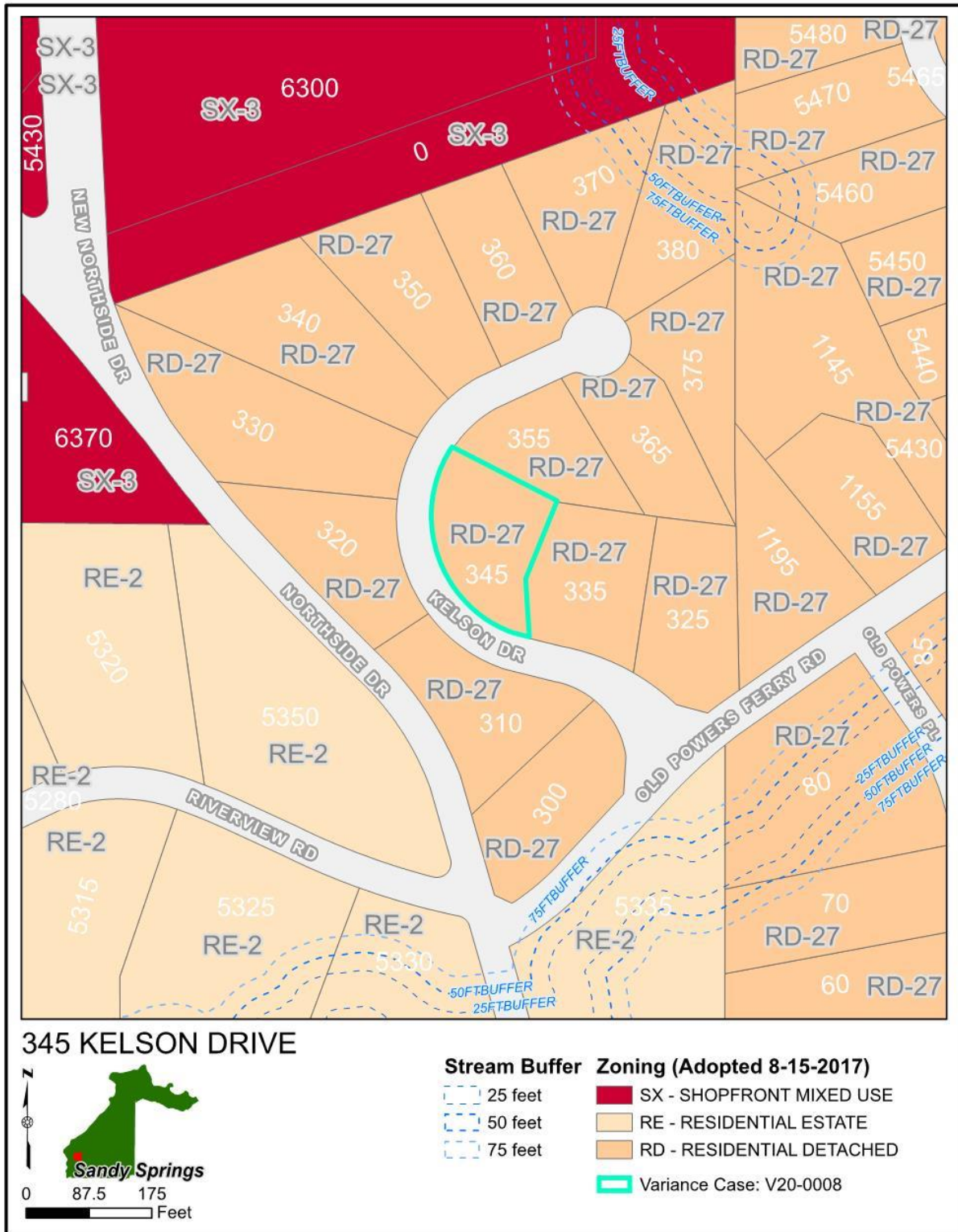


| EXISTING ZONING AND LAND USES OF PROPERTY IN THE VICINITY |                                        |                                      |                                 |
|-----------------------------------------------------------|----------------------------------------|--------------------------------------|---------------------------------|
| Location relative to subject property                     | Zoning / Land use                      | Address(es)                          | Land area (acres) (approximate) |
| North                                                     | RD-27 / Single unit detached residence | 355 Kelson Drive                     | 0.75                            |
| East                                                      | RD-27 / Single unit detached residence | 335 Kelson Drive                     | 0.66                            |
| South                                                     | RD-27 / Single unit detached residence | 310 Kelson Drive                     | 0.85                            |
| West                                                      | RD-27 / Single unit detached residence | 330 Kelson Drive<br>320 Kelson Drive | 1.16<br>0.68                    |
| PROPOSED DEVELOPMENT                                      |                                        |                                      |                                 |
| --                                                        | RD-27 / Single unit detached residence | 345 Kelson Drive                     | 0.75                            |

# AERIAL IMAGE

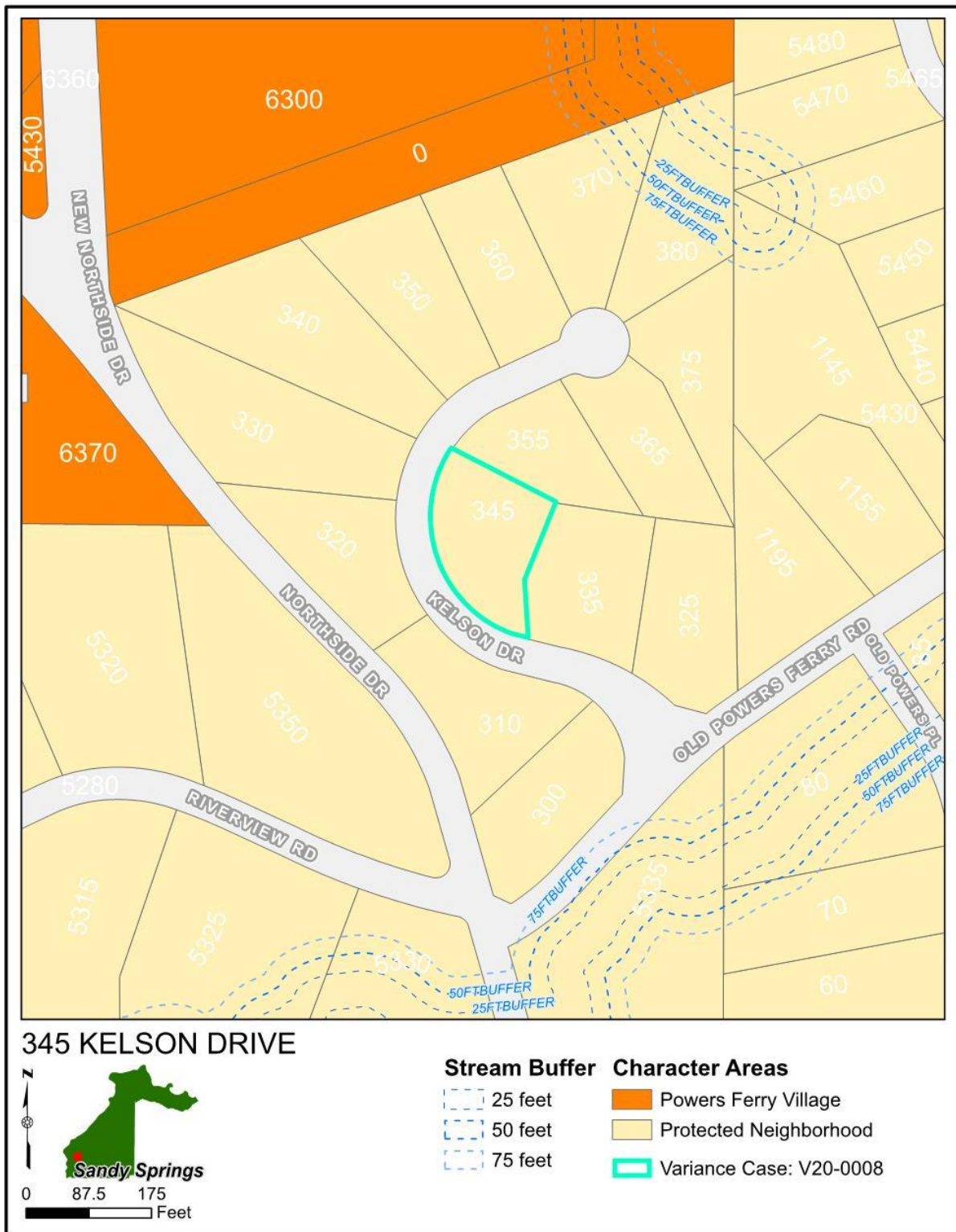


# ZONING MAP





# CHARACTER AREA MAP



## VARIANCE CONSIDERATIONS

Per Sec. 11.3.6.G. of the Development Code, the following list of approval criteria for a Variance provides guidance for making decisions on approval:

***1. Variances will only be granted upon showing that:***

***a. The application of this Development Code would create an unnecessary hardship, and not merely an inconvenience to the applicant; or***

Finding: The applicant's property contains a single unit detached residence that matches the character of the neighborhood and an accessory structure, a pool, in the rear yard. It is Staff's belief that the application of the Development Code would not create a hardship, and that it would merely constitute an inconvenience to the applicant, as it appears as though there is a reasonable use of the property.

***b. There are extraordinary and exceptional conditions due to the size, shape, or topography, which are specific to the subject property and not generally found in similar properties;***

Finding: The subject property is 177.7 feet in width and 30,000 square feet in area, meeting the minimum requirements for the RD-27 District. A typical 30,000-square foot rectangular lot with 177.7 feet of frontage would be 168 feet deep and have an approximate buildable area of 10,000 square feet. However, 345 Kelson Drive is a pie-shaped lot. Therefore, the buildable area is less (as compared to a traditionally shaped lot) at approximately 8,800 square feet because of a longer primary street building setback.

The subject property is largely built out, maximizing the use of the property. During construction of the house, the builder actually exceeded the maximum allowed lot coverage in RD-27 of 30% and had to utilize a lot coverage bonus of 1.8% (up to 35% maximum lot coverage in RD-27 is allowed by the Development Code in exchange for additional stormwater infiltration).

While the shape of the lot somewhat limits the buildable area, there appears to be no other extraordinary and exceptional conditions specific to the subject property.

***2. Further, the application must demonstrate that:***

***a. Such conditions are not the result of action or inaction of the current property owner; and***

Finding: The conditions of the property were present at the time of purchase. The applicant installed the batting cage structure without permitting or contacting the planning and zoning department. Thus, the conditions are the result of action of the current property owner.

***b. The Variance request would provide the minimum relief necessary to make possible the reasonable use of the property; and***

Finding: As there is already a single unit detached residence and a pool and associated decking onsite, it appears that reasonable use of the property has been made. Thus, the Variance request would not provide the minimum relief necessary to make possible the reasonable use of the property.

The existence of a batting cage is not necessary for the reasonable use of a residential property. As previously stated, the allowable lot coverage has already been exceeded, utilizing a bonus offered in the Development Code.

***c. The Variance request would result in development that is consistent with the general intent of this Development Code, with the Comprehensive Plan policies, and would not be detrimental to the public good, safety and welfare.***

Finding: Per Section 1.1.5. of the Development Code, the stated intent of the Development Code is to guide reinvestment in established neighborhoods that preserves and reinforces their unique characteristics. The front yard location chosen for the batting cage is not permitted in any neighborhoods. The proposed placement of the batting cage would therefore, not preserve or reinforce any characteristics,



as it is naturally uncharacteristic. The applicant provided letters of support from the residents of six (6) of the 15 homes in the subdivision.

However, if the applicant were to provide screening of the structure and mitigation for the additional lot coverage, it is Staff's belief that the request would not be detrimental to the public good, safety, and welfare.

#### **COMMENTS FROM OTHER PARTIES**

**Sandy Springs Public Works:**

**No comment provided.**

**Sandy Springs Transportation Engineer:**

**No comment provided.**

**Sandy Springs City Engineer:**

**No comment provided.**

**Sandy Springs Chief Environmental Compliance Officer:**

**No comment provided.**

**Sandy Springs Arborist:**

**No comment provided.**

**Sandy Springs Sustainability Manager:**

**No comment provided.**

**Sandy Springs Building Official:**

**No comment provided.**

**Sandy Springs Fire Marshal:**

**No comment provided.**

**Correspondence Received:**

Six (6) letters of support from neighbors were received as part of the application.

#### **DEPARTMENT OF COMMUNITY DEVELOPMENT RECOMMENDATION**

Following review, and based on the findings, Staff recommends **Denial** of **Variance** V20-0008, request for a Variance from Sec. 7.8.22. and Sec. 2.3.2.A. to allow a batting cage in the front and side yards.

However, should the Board of Appeals choose to approve Variance V20-0008, Staff recommends the following conditions:

1. The location and extent of the batting cage be limited to the location documented in "Exhibit 1" and limited to the size and height specified by the petitioner in his application.
2. The petitioner must obtain a minor Land Disturbance Permit for the batting cage and new driveway and provide proper mitigation for the additional lot coverage.
3. As part of the minor Land Disturbance Permit, the petitioner must either close the curb cut or provide proof of sufficient site distance to the City Engineer.
4. The batting cage must be screened on all side by evergreen screening that is at least 6 feet tall at the time of planting.

## Public Comment

J. Zakem:

I am opposed to granting the variance petition.

This type of incursion into a front yard by an accessory play structure should not be allowed. The petitioner's offer to provide "screening" will only make the project even more intrusive. It is also obvious that the homeowner is using the second "driveway" that the structure sits on for additional off street parking in the front yard, between the play structure and the street.

Please uphold the Development Code which has been designed to protect the beauty of our neighborhoods in Sandy Springs.

Public Comment (Continued)

3/3/2020:

Dear Andy:

Thank you for the good work you have been doing for Sandy Springs over the years.

My wife Janet and I have lived in Sandy Springs since 1985, including 375 Kelson Drive for the past 14 years. We enjoy the community and have been active members of Holy Innocents' Episcopal Church, and for a while, at HIES, during those 35 years. This influenced our move closer to the HI campus in 2006.

We plan to be at the meeting this coming Wednesday night at 6 PM to oppose the variance request. The Request for the Variance by a new neighbor is, in essence, a request for forgiveness, as the batting cage was installed months ago (apparently without checking with anyone at the City of Sandy Springs.)

The batting cage extends well into the front yard and is quite visible. This made it easy for an official from Sandy Springs to catch the

violation while he was on our street for other business.

As you know, there is good reason the City of Sandy Springs includes the protections it has. In this case, the batting cage and its location obviously interfere with the neighborhood's attractiveness and beauty — and impacts the value of real estate on Kelson Drive and likely beyond.

And, whenever we go to sell our home, we do not want to compete with homes in the area that have no such variance.

Please feel free to call me with any questions at [REDACTED]. See you Wednesday.

Many thanks,

Howard Clark

375 Kelson Dr.

Sandy Springs GA 30327



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Community Development

## VARIANCE APPLICATION

(Excludes Stream Buffer Variances)

### Application Checklist:

| Page No. | Item                                                         | Completed/<br>Included in Submittal                                 |
|----------|--------------------------------------------------------------|---------------------------------------------------------------------|
| 1        | Project Information Sheet                                    | <input checked="" type="checkbox"/>                                 |
| 2-3      | Detailed Process and Instructions                            | N/A                                                                 |
| 4-5      | Authorization Forms                                          | <input checked="" type="checkbox"/>                                 |
| 6        | Letter of Intent                                             | <input checked="" type="checkbox"/>                                 |
| 6-7      | Variance Analysis                                            | <input checked="" type="checkbox"/>                                 |
| 7        | Chattahoochee River Corridor Certificate                     | <input type="checkbox"/> or N/A <input checked="" type="checkbox"/> |
| 7-8      | 8½" x 11" copy of Survey                                     | <input checked="" type="checkbox"/>                                 |
| 7-8      | <del>8½" x 11" copy of Site Plan</del>                       | <input checked="" type="checkbox"/>                                 |
| 7-8      | <del>11" x 17" copy of Survey</del>                          | <input checked="" type="checkbox"/>                                 |
| 7-8      | <del>11" x 17" copy of Site Plan</del>                       | <input checked="" type="checkbox"/>                                 |
| 7-8      | <del>Two (2) full-scale copies of Survey</del>               | <input checked="" type="checkbox"/>                                 |
| 7-8      | <del>Two (2) full-scale copies of Site Plan</del>            | <input type="checkbox"/>                                            |
| 7        | 8½" x 11" copy of Legal Description (must be in Word format) | <input type="checkbox"/>                                            |
|          | 11" x 17" copy of Elevations and/or Sections                 | <input type="checkbox"/> or N/A <input checked="" type="checkbox"/> |
| 9        | Meeting Schedule                                             | N/A                                                                 |
| 9        | Fee Schedule                                                 | N/A                                                                 |
| 10       | Sign Specifications                                          | N/A                                                                 |
| 9        | Fee Payment                                                  | <input type="checkbox"/>                                            |
|          | All documents in electronic form (jump drive)                | <input type="checkbox"/>                                            |

The Director reserves the right to request additional information deemed necessary to analyze the request. Incomplete applications will not be accepted.

Planner's initials: MS



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Case No.: V20-0008  
Planner's initials: MJB

PROJECT INFORMATION SHEET

|                                                |                   |
|------------------------------------------------|-------------------|
| Address(es): 345 Kelson DR NW Atlanta GA 30327 |                   |
| Parcel Tax ID:                                 |                   |
| Land Lot(s):                                   | Land District(s): |
| Total acreage:                                 | Council district: |
| Current zoning:                                | Current use: SFH  |
| Character Area:                                |                   |

|                                                                                                                                                                    |                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Detailed request (include Ordinance/Code Section No.):                                                                                                             |                   |
| Variance for baseball cage for 7.8.22 violation and Sec. 2.3.2.A.. violation                                                                                       |                   |
| Request zoning variance and will put up natural tree barriers. cage sets back 43.5 feet from the street. After tree barriers this will not be seen from the street |                   |
|                                                                                                                                                                    |                   |
| Petitioner: MARK K KLOPP                                                                                                                                           |                   |
| Petitioner's address: [REDACTED]                                                                                                                                   |                   |
|                                                                                                                                                                    |                   |
| Phone: [REDACTED]                                                                                                                                                  | Email: [REDACTED] |

|                                                                   |                   |
|-------------------------------------------------------------------|-------------------|
| Property owner: MARK KLOPP                                        |                   |
| Owner's address: [REDACTED]                                       |                   |
|                                                                   |                   |
| Phone: [REDACTED]                                                 | Email: [REDACTED] |
| Signature (authorizing initiation of the process): [REDACTED]     |                   |
| If the property is under contract, provide a copy of the contract |                   |

- TO BE FILLED OUT BY P&Z STAFF -


|                                                          |                                        |
|----------------------------------------------------------|----------------------------------------|
| Pre-application meeting date: 1/16/2020                  | Anticipated application date: 2/4/2020 |
| Anticipated BOA date: 03/04/2020                         |                                        |
| 1/22/2020: bringing survey/site plan, legal description. |                                        |
|                                                          |                                        |
|                                                          |                                        |
|                                                          |                                        |
|                                                          |                                        |

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AUTHORIZATION FORM – PART I

A- The property owner must fill out the following section and have it notarized. If a property has multiple owners, each owner must separately fill out a copy of the authorization form.

|                                                                                                                                                       |                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application. |                                                                                                                                                                                                                                                                             |
| Owner's name: <u>MARK K. KIDD</u>                                                                                                                     | Sworn and subscribed before me this<br><u>9<sup>th</sup></u> day of <u>January</u> 20 <u>20</u><br>Notary public: _____<br>Seal: <br>Commission expires: <u>Sep 17<sup>th</sup>, 2023</u> |
| Address: [REDACTED]                                                                                                                                   |                                                                                                                                                                                                                                                                             |
| City, State, Zip Code: [REDACTED]                                                                                                                     |                                                                                                                                                                                                                                                                             |
| Email address: [REDACTED]                                                                                                                             |                                                                                                                                                                                                                                                                             |
| Phone number: [REDACTED]                                                                                                                              |                                                                                                                                                                                                                                                                             |
| Owner's signature: <u>Mark K. Kidd</u>                                                                                                                |                                                                                                                                                                                                                                                                             |

B- If the applicant is *not* the owner of the subject property:

Fill out the following section, check the appropriate statement, and have it notarized.

|                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Applicant states under oath that:                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                           |
| <input type="checkbox"/> He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner ( <i>attach a copy of the contract</i> ); or<br><input type="checkbox"/> He/she has an option to purchase the subject property ( <i>attach a copy of the contract</i> ); or<br><input type="checkbox"/> He/she has an estate of years which permits the applicant to apply ( <i>attach a copy of the lease</i> ) |                                                                                                                                           |
| Applicant's name:                                                                                                                                                                                                                                                                                                                                                                                                            | Sworn and subscribed before me this<br>_____ day of _____ 20 ____<br>Notary public: _____<br>Seal: _____<br><br>Commission expires: _____ |
| Company name:                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                           |
| Address:                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                           |
| City, State, Zip Code:                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                           |
| Email address:                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                           |
| Phone number:                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                           |
| Applicant's signature:                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                           |



JAN 22 2020

Mark Klopp

City of Sandy Springs  
Community Development

## Letter of Intent: REQUESTING ZONE VARIANCE FOR MY BATTING CAGE

1. I am requesting a zone variance for the violation I received on 1/6/2020 for 7.8.22 Accessory Structure which is my batting cage located on the side of my home.

## Facts.

1. The batting cage is made of black netting and is 60 feet long and 12 feet wide and 12 feet high. The cage colors were matched to the color of the house so everything blends in and is color matched. The cage sits on top of a concrete driveway with green astro turf on the top of the concrete to blend in with the surrounding grass in the front yard.
2. The batting cage starts in the rear of my house as far back as I can go and reaches out 23 feet past my house on my large frontage lot which is the variance issue.
3. The batting cage sits back on my driveway 43.5 feet from the street.
4. I will add "natural tree barriers" along the front and sides of the cage so the cage will not be seen and be cryptic if that is a city condition for the variance requested.
5. None of my neighbors have complained about the cage and have signed approval letters for the cage since they like to see the children hit in the cage on our cul-da-sac street which is a positive for all of the families.

## Alternative designs explored

1. There is no other place I can locate the batting cage at my house due to the topography and no room for the cage. Years ago lots were much larger but I am trying to utilize what I have for the children.
2. Our house has an existing pool in the back yard which takes up the whole back yard so the cage cannot be relocated in the back yard.
3. The front yard is at least 4 times the size as the back yard at our home and 2/3ds of the cage is on the side of the house with 1/3 of the cage in the variance requested.

## Variance Analysis

1. Our lot is very unique, the side of the house for the batting cage worked well as no trees had to be removed or land disrupted. The cage is on a concrete driveway. I have gone as far back with the cage as possible to my basement door providing an ideal location for the cage on the side of the house. This is the only location that the cage can be put at on my lot.
2. The variance request would provide the minimum relief necessary 23 feet x 12 feet for the cage area. This is approximately 1/25<sup>th</sup> of my front yard.
3. The variance request would result in development that is consistent with the general intent of the development code and would not be detrimental to the public good, safety or welfare. I am providing a place for all the children on the block to play in a safe area not in the street playing baseball. Besides my children, other children on the block utilize our batting cage keeping all the children off the street playing baseball safely in my yard since there are no play grounds in our area for our children to play after school.
4. Half the neighbors on this 10 home cul-da-sac are older and enjoy watching the kids play in the cage as they are retired.
5. The general purpose and intent of the cage is for the children to play baseball each day as my children (ages 10 and 15) want to become professional baseball players.

6. The batting cage is not disrupting any of the front yard landscape as it sits on top of my side driveway. No trees were removed or any landscape modified or taken down due to the cage construction. I am willing to add additional natural tree barriers of evergreen trees in the front and sides for my variance if that is what the city requests.
7. The cage colors were matched to the color of my house and reinforces its unique design. I have spent \$23,000 on this cage for my children, providing a safe environment for them to play in the neighborhood and not in the streets without disrupting any of my front landscape topography.

Thank you, in advance for your consideration of the batting cage variance for my children.

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## Application -- Zone Variance for Baseball Cage Location

Mark K Klopp

[REDACTED]  
January 7<sup>th</sup> 2020



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Community Development

# Application -- Zone Variance for Baseball Cage Location Mark K Klonn

January 7<sup>th</sup> 2020

07-Jan-2020 1:50 PM  
345 Kelson Dr  
Sandy Springs, GA 30328  
United States

**SANDY SPRINGS**  
GA 30328

**CODE ENFORCEMENT DIVISION**  
**NOTICE OF VIOLATION**  
1 GALAMBOS WAY SANDY SPRINGS, GA 30328  
770.730.5600

INSPECTION DATE: 1/6/20  
☐ POSTED AT LOCATION

SECTION: [REDACTED] OWNER: ☐ OCCUPANT: ☐ AGENT: ☐ CONTRACTOR: ☐

**YOU ARE HEREBY NOTIFIED THAT DURING AN INSPECTION THE FOLLOWING VIOLATIONS WAS OBSERVED:**

| ALL INTERNATIONAL PROPERTY MAINTENANCE CODES ARE ADOPTED BY REFERENCE IN THE CODE OF THE CITY OF SANDY SPRINGS |                                                                                                                                                                                                                                |                                                           |                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Sanitary Structures</b><br>IPMC<br>SEC 302.3                                                                | All vacant structures and premises or vacant land shall be maintained in a clean, safe, secure and sanitary condition.                                                                                                         | <b>Business License</b><br>CHAPTER 54<br>SEC 54-116 (A)   | All persons, firms, companies operating a business in the city, are hereby required to register their business or obtain an occupation tax certificate for their business. |
| <b>Sanitation</b><br>IPMC<br>SEC 302.5                                                                         | All exterior property and premises must be maintained in a clean, safe and sanitary condition.                                                                                                                                 | <b>Required Testing</b><br>IPMC<br>SEC 105.3              | The code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.                                        |
| <b>Accessory Structures</b><br>IPMC<br>SEC 302.7                                                               | Detached garage, fences, walls maintained structurally sound and in good repair.                                                                                                                                               | <b>Permit &amp; Work Hours</b><br>SEC 105-46 (H)(3)(A)(B) | Posted on site facing the street within the right-of-way and visible from the right-of-way.                                                                                |
| <b>High Weeds &amp; Grass</b><br>IPMC<br>SEC 302.4                                                             | All premises and exterior property shall be maintained free from weeds or plant growth in excess of 10 inches.                                                                                                                 | <b>Swimming Pools</b><br>IPMC<br>SEC. 303.1               | Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.                                                                                  |
| <b>Motor Vehicles</b><br>IPMC<br>SEC 302.8                                                                     | No inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. | 7. P. 72<br>ACCESSORY<br>STRUCTURE                        | STRUCTURE IS PROHIBITED BY CODE                                                                                                                                            |
| <b>Defacement of Property</b><br>IPMC<br>SEC 302.9                                                             | No person shall willfully or wastefully damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.                    |                                                           |                                                                                                                                                                            |
| <b>Roofs and Drainage</b><br>IPMC 304.7                                                                        | Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions.                                                                                                                             |                                                           |                                                                                                                                                                            |
| <b>Accumulation of Garbage</b><br>IPMC<br>SEC 302.1                                                            | All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or                                                                                                     |                                                           |                                                                                                                                                                            |



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Community Development

## Application -- Zone Variance for Baseball Cage Location

Mark K Klopp



- **FACTS – why the cage?**

- **CHILDREN....** I have two boys 15 and 10 that want to become professional baseball players that want to practice at home each day when they are not at scheduled baseball practice. My dad played professional baseball and I have coached baseball for years. Baseball has always been in our family. I am living my dream having this cage for my boys, which I never had but always wanted
- **NEW HOME....** We just built our new home 6 months ago and just completed the baseball cage this past month which I spend over \$23,000 for a state of the art baseball cage, safe for my boys. Unfortunately, houses don't offer the affordable excess land they did years ago in a expensive changing world for our children.
- **NO HOA....** I do not live in a Home Owners Association Community
- **PROFESSIONALS....** Both boys have been in professional travel baseball since they were each 7 years old and practice each day after school and utilizing the cage each day before dinner.
- **WORK TRAVEL....** I travel each week with job in all 50 states so I am not home to work and train with them each and every day. The batting cage provides a place for them to train together by themselves safely, not in the streets to achieve their goal of becoming professional baseball players.
- **FAMILY.....** I have been working with my boys together as a family assembling the batting cage as a project for months and they absolutely love it and improve each day that they practice
- **PRIDE....** This was my boys project as they have built this cage with me and learned to take care of this cage and respect it keeping it clean each day
- **NO TRAFFIC....** We live on a cul-de-sac street with no traffic



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## Application -- Zone Variance for Baseball Cage Location

Mark K Klopp



- **CAUSE.....**
- **VIOLATION....**I received a notice of violation from the city to remove the cage as the city is calling the cage an "accessory structure" prohibited by code 7.8.22
- **LOCATION....**The batting cage is on the right side of my home but extends outward past my home which is the violation
- **FOOTAGE....**The cage protrudes out 28 feet past the front of my home which is the nature of the problem. See the yellow hash lines in the picture above



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## Application -- Zone Variance for Baseball Cage Location

Mark K Klopp



- **Hardship....**
- **TOPOGRAPHY LIMITATIONS....**There is no other location to put this cage on my property due to the topography
- **FLOORING...**The cage requires a flat surface and cement flooring
- **Away from the street setback**
- **DIMENTIONS** This is cage 60 feet long. I am not close to the street as the cage sets back is 43.5 feet from the street on my large lot frontage lot unlike other lots. There was not a space to utilize in the back yard as there was a existing pool.

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## Application -- Zone Variance for Baseball Cage Location

Mark K Klopp



- **REMEDY...**
- **CAGE...**The cage is not a bother or nuisance to any of my neighbors on my street. I designed the cage colors to match the color of my home accents. The only part of the cage that can be seen is the canvas roof as its very hard to see the netting.
- **APPROVAL LETTERS...**I have attached letters from each of the homeowners on the block who are in acceptance of the batting cage location. My neighbors across the street who have lived here all their life were the first to sign my approval letter and watch my boys hit frequently outside as they are retired.
- **VARIANCE....**I am asking for your kind consideration of a zone variance to keep my cage in the same location as is
- **CONCEALMENT....**I will put up a natural evergreen tree barriers on each side of the cage and a planter in the front to make the cage cryptic and hidden from sight from the street if this is the request of the city to keep my cage in the same location as its sets back 43.5 feet from the street.
- 
- Thank you, advance for your consideration in this matter



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REMEDY.....CONCEALMENT .... NATURAL EVERGREEN TREE BARRIER



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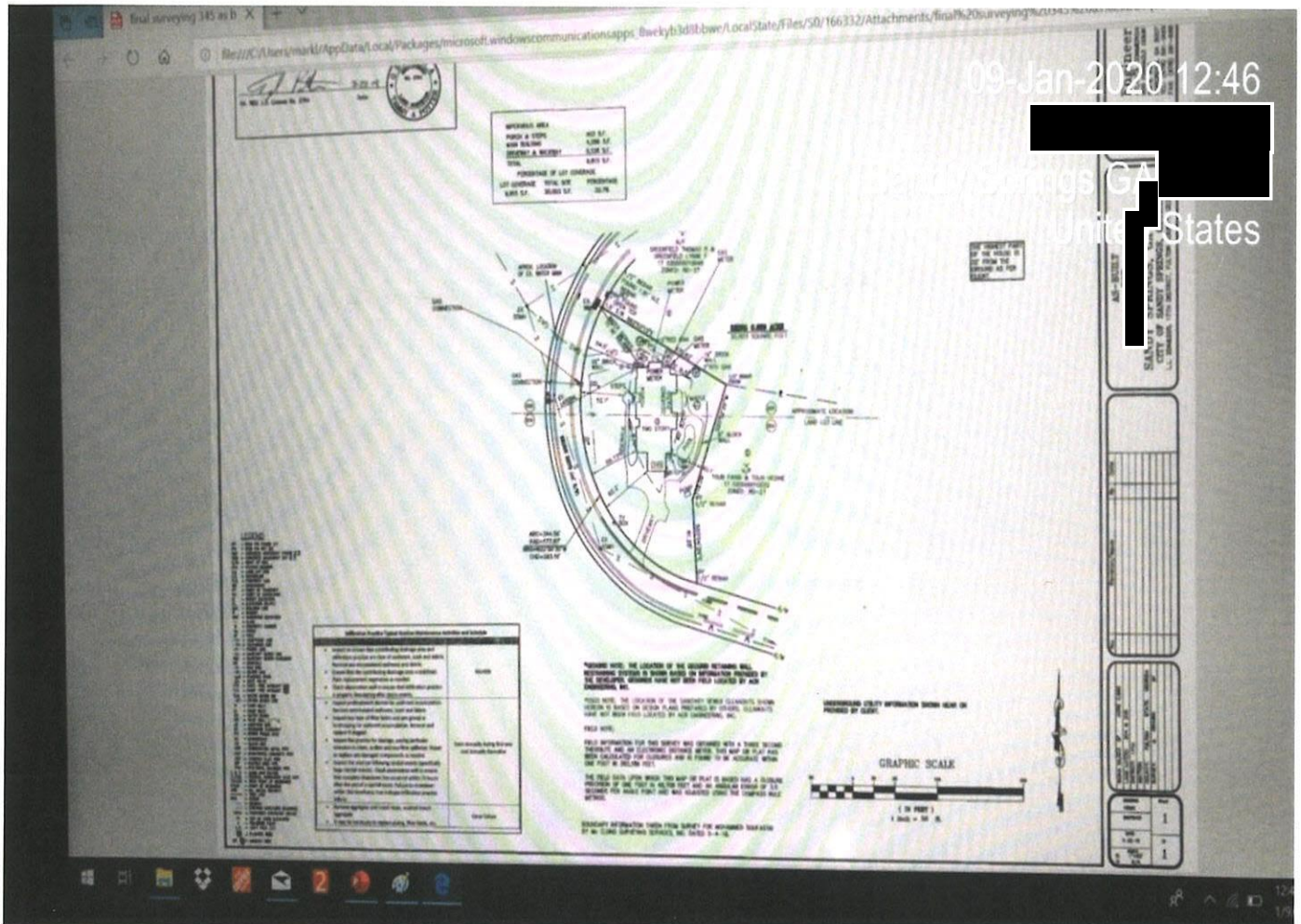
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## Application -- Zone Variance for Baseball Cage Location

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As built





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### Authorization form

#### AUTHORIZATION FORM - PART I

A- The property owner must fill out the following section and have it notarized. If a property has multiple owners, each owner must separately fill out a copy of the authorization form.

|                                                                                                                                                       |                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application. |                                                                                          |
| Owner's name: <u>MARK KLOPP</u>                                                                                                                       | Sworn and subscribed before me this                                                      |
| Address: [REDACTED]                                                                                                                                   | <u>9<sup>th</sup></u> day of <u>January</u> , 20 <u>20</u>                               |
| City: [REDACTED]                                                                                                                                      | Notary public: <u>J.P.</u>                                                               |
| Email address: [REDACTED]                                                                                                                             | Seal:  |
| Phone number: [REDACTED]                                                                                                                              | Commission expires: <u>sep 17<sup>th</sup>, 2023</u>                                     |
| Owner's signature: <u>[Signature]</u>                                                                                                                 |                                                                                          |

B- If the applicant is not the owner of the subject property:

Fill out the following section, check the appropriate statement, and have it notarized.

|                                                                                                                                                 |                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Applicant states under oath that:                                                                                                               |                                     |
| <input type="checkbox"/> He/she is the executor or Attorney-in-Fact under a Power-of-Attorney for the owner (attach a copy of the contract); or |                                     |
| <input type="checkbox"/> He/she has an option to purchase the subject property (attach a copy of the contract); or                              |                                     |
| <input type="checkbox"/> He/she has an estate of years which permits the applicant to apply (attach a copy of the lease)                        |                                     |
| Applicant's name:                                                                                                                               | Sworn and subscribed before me this |
| Company name:                                                                                                                                   | day of _____, 20 _____              |
| Address:                                                                                                                                        | Notary public:                      |
| City, State, Zip Code:                                                                                                                          | Seal:                               |
| Email address:                                                                                                                                  | Commission expires:                 |
| Phone number:                                                                                                                                   |                                     |
| Applicant's signature:                                                                                                                          |                                     |

United States

Sandy Springs GA

10-Jan-2020 06:32

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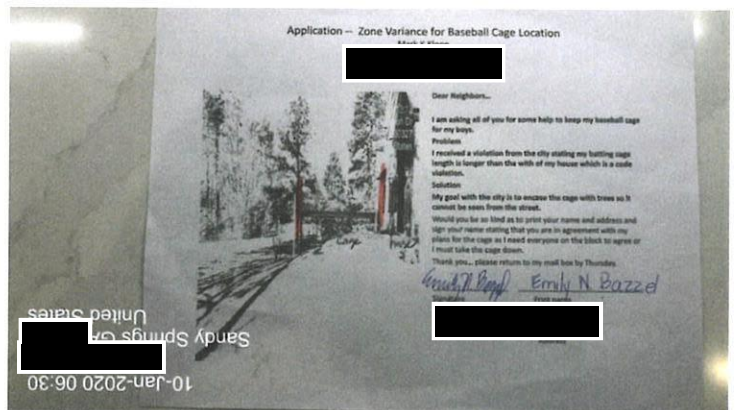
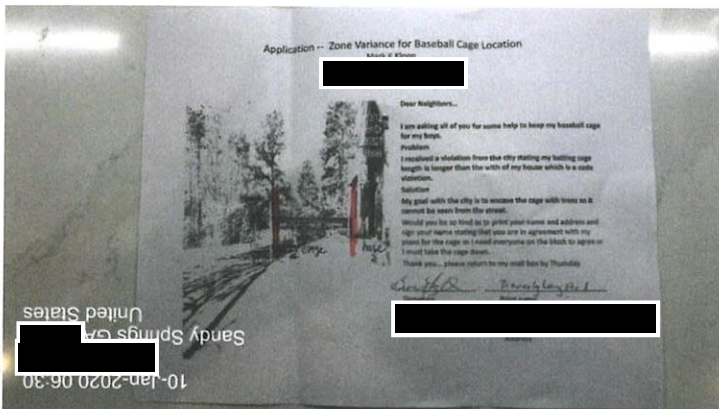
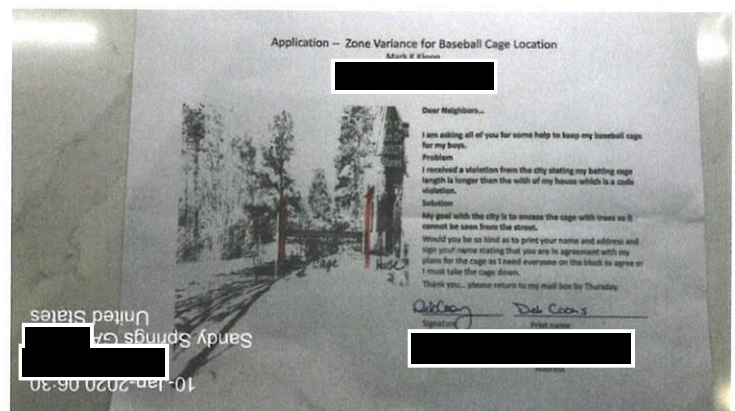
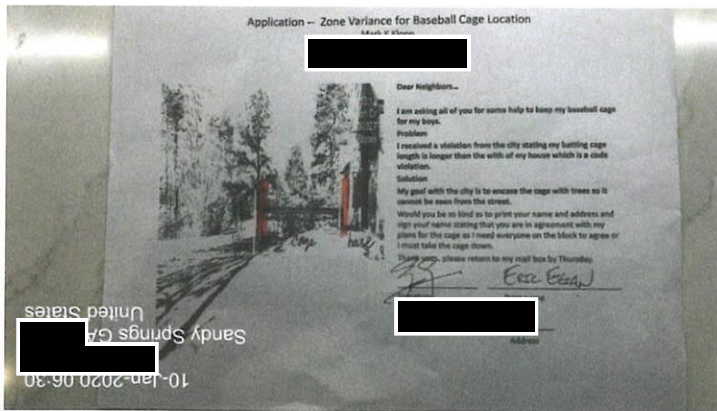
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Neighbor Signatures of approval





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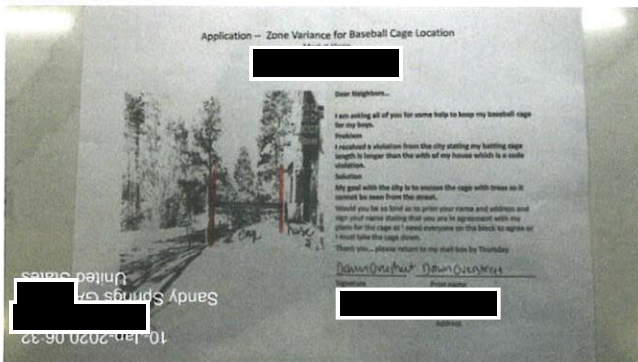
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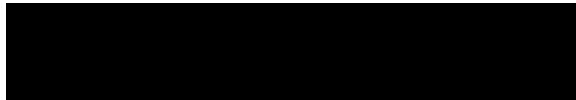
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Neighbor Signatures of approval



# Application -- Zone Variance for Baseball Cage Location

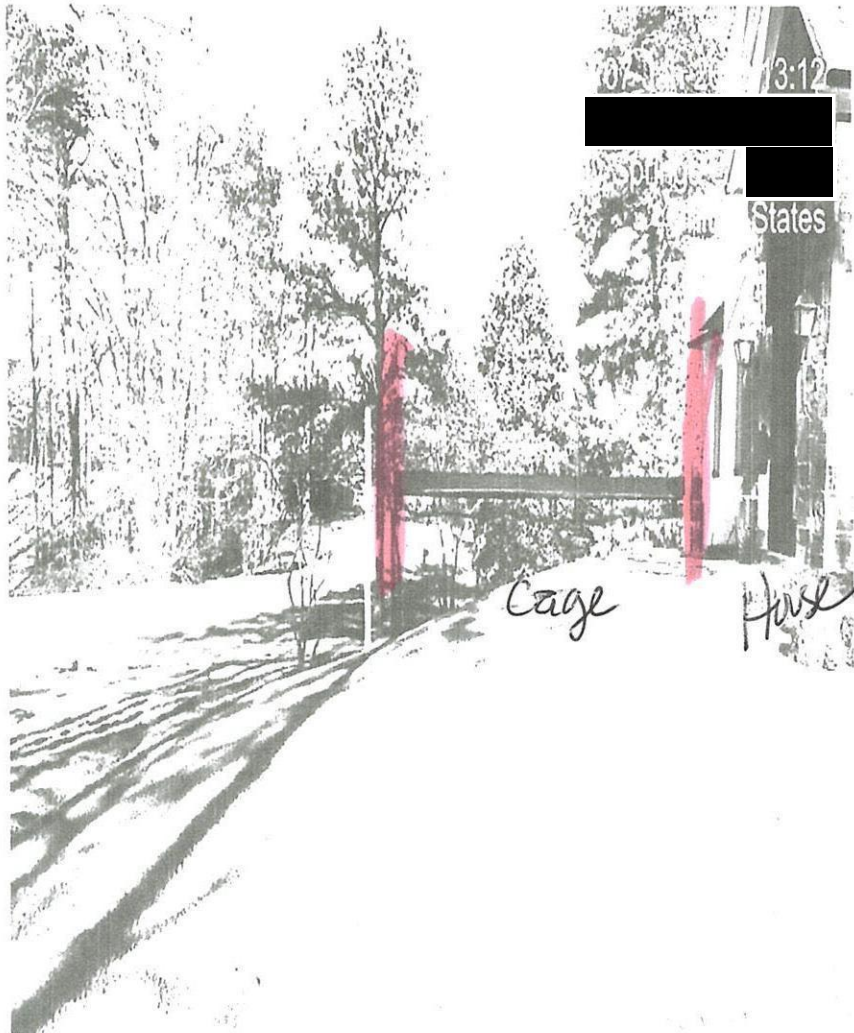
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Dear Neighbors...

I am asking all of you for some help to keep my baseball cage for my boys.

## Problem

I received a violation from the city stating my batting cage length is longer than the with of my house which is a code violation.

## Solution

My goal with the city is to encase the cage with trees so it cannot be seen from the street.

Would you be so kind as to print your name and address and sign your name stating that you are in agreement with my plans for the cage as I need everyone on the block to agree or I must take the cage down.

Thank you... please return to my mail box by Thursday.

*Mark Sacco*

Signature

Ruth Sacco

Print name



Address

# Application -- Zone Variance for Baseball Cage Location

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Dear Neighbors...

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I received a violation from the city stating my batting cage length is longer than the width of my house which is a code violation.

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Thank you... please return to my mail box by Thursday.

  
Signature

Beverly Langford  
Print name



Address



# Application -- Zone Variance for Baseball Cage Location

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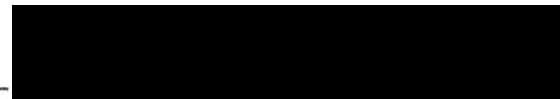
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*Emily N. Bazzel*  
Signature

Emily N. Bazzel  
Print name



Address



# Application -- Zone Variance for Baseball Cage Location

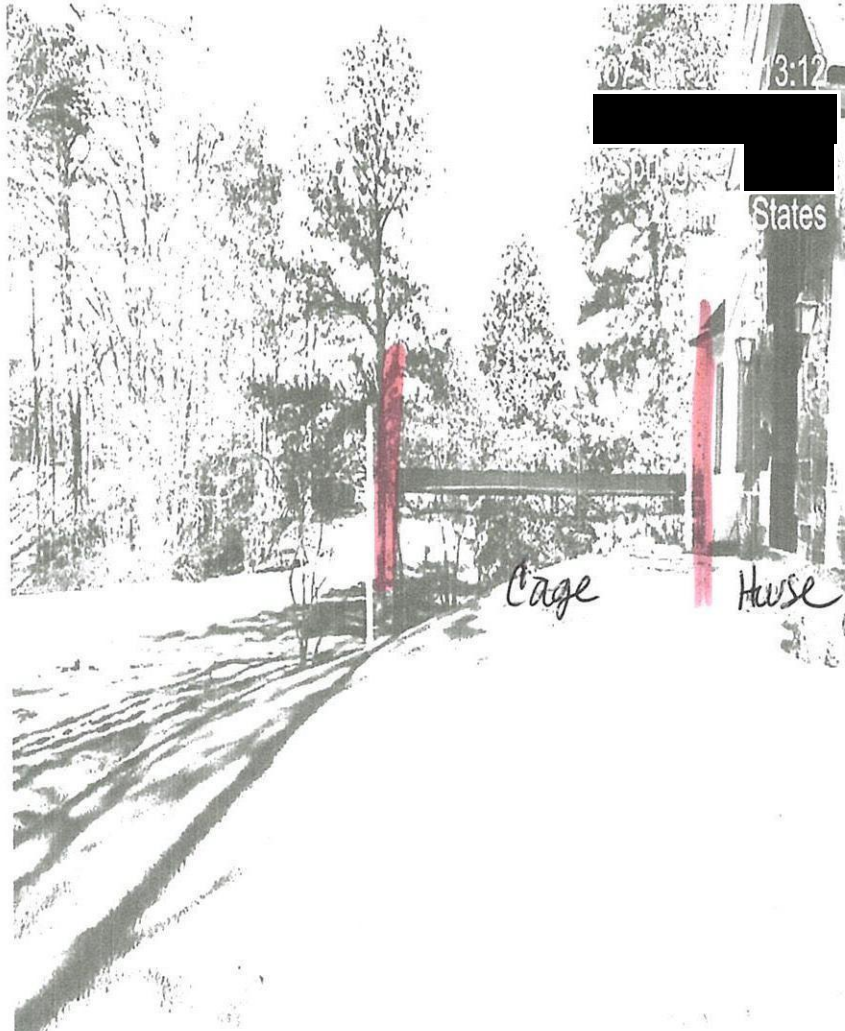
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Deb Coons  
Signature

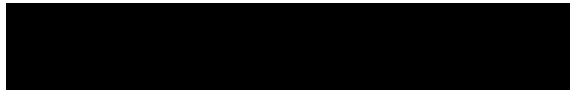
Deb Coons  
Print name



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Signature

ERIC EGAN

Print name



Address



# Application -- Zone Variance for Baseball Cage Location

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Dawn Overstreet Dawn Overstreet

Signature

Print name

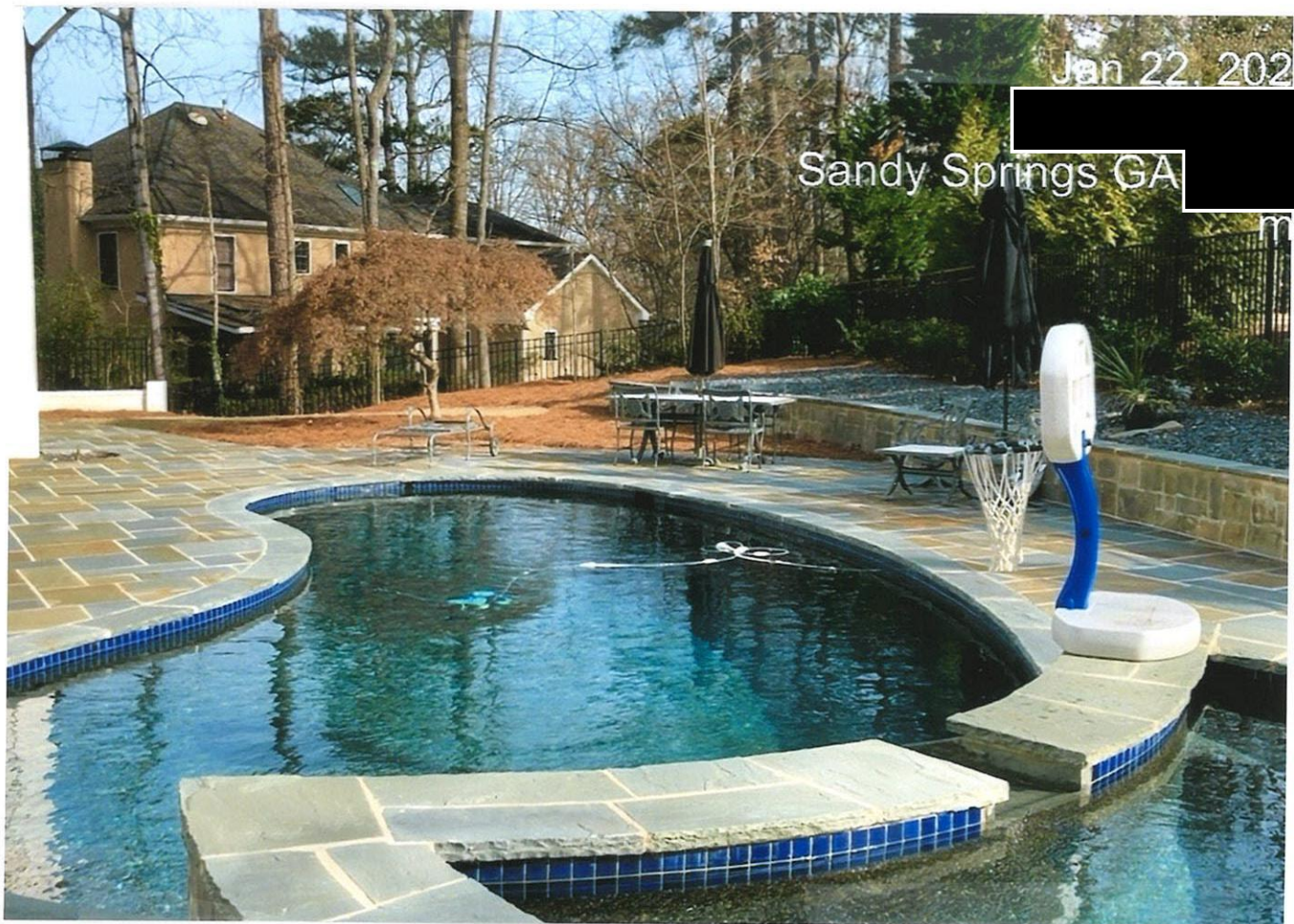


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